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TO: Examiner Jerry L. Cumberledge, Group Art Unit 3733  
COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

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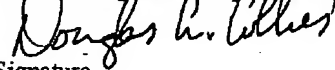
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RE: Response to Advisory Action for U.S. Patent Application No. 10/804,900 to J. Kenneth Burkus et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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PTO/SB/21 (09-04)

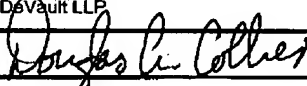
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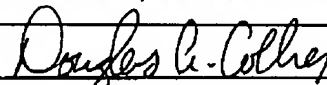
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/804,900	
	Filing Date	March 19, 2004	
	First Named Inventor	J. Kenneth Burkus et al.	
	Art Unit	3733	
	Examiner Name	Jerry L. Cumberlandge	
Total Number of Pages in This Submission	3	Attorney Docket Number	MSDI-134/PC361.18

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
<div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	October 9, 2007	Reg. No.	43,556

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Douglas A. Collier	Date	October 9, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re patent application of:  
J. Kenneth Burkus et al.

Application Serial No. 10/804,900

Filed: March 19, 2004

METHODS AND INSTRUMENTATION FOR  
VERTEBRAL INTERBODY FUSIONBefore the Examiner:  
Jerry L. CumberledgeGroup Art Unit:  
3733Attorney Ref. No.:  
MSDI-134/PC361.18

October 9, 2007

**RESPONSE TO ADVISORY ACTION**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

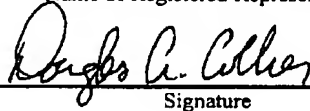
Sir:

In response to the Advisory Action dated October 3, 2007, please enter and consider the following remarks. No fees or extensions of time are believed due for consideration of the same. However, please provide any extensions of time necessary and charge any fees which may be due to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Response to Advisory Action  
Application Serial No. 10/804,900  
Atty Docket No. MSDI-134/PC361.18  
Page 1 of 2